



PATENT  
Docket No.: CLV-30880/A/CGV2112  
Cust. No. 31781

*Jpc*

CERTIFICATE OF MAILING		
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.		
<u>Martha Martin</u> Type or print name	<u>Martha Martin</u> Signature	<u>September 11, 2007</u> Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF  
**Hirt, et al**

Examiner:  
**Kuo-Liang Peng**  
Art Unit: 1712

APPLICATION NO: 09/525,158  
FILED: March 14, 2000  
FOR: Organic Compounds

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

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SEP 18 2007  
11/14/2008 CKHLOK 00000009 502985 09525158  
01 FC:1501 14000000  
OFFICE OF PETITIONS

**PETITION UNDER 37 C.F.R. §1.137(B)**  
**TO REVIVE APPLICATION ABODONNED UNINTENTIONALLY**

Dear Sir:

This is a petition to revive the subject application abandoned unintentionally in accordance with 37 C.F.R. §1.137(b). The Notice of Abandonment dated April 5, 2002 from Examiner Kuo Liang Peng of Art Unit 1712 states that Applicants failed to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance. Applicants hereby petition that the holding of abandonment be withdrawn because applicants never received the Notice of Allowance.

Applicants hereby authorize payment of the petition fee of \$1500 and other necessary fees by debit of their Deposit Account No. 50-2965 in accordance with 37 C.F.R. §1.17(m).

11/14/2008 CKHLOK 00000009 502985 09525158  
01 FC:1501 14000000  
OFFICE OF PETITIONS

Applicants hereby authorize payment of the issue fee by debit of their Deposit Account 50-2965 without the issue fee authorization form PTOL 85 B, because Applicants have not received the Notice of Allowance and this form. Alternatively, Applicants respectfully request that a new Notice of Allowance with Form PTOL 85B be re-issued so that Applicant can pay the issue fee.

Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.

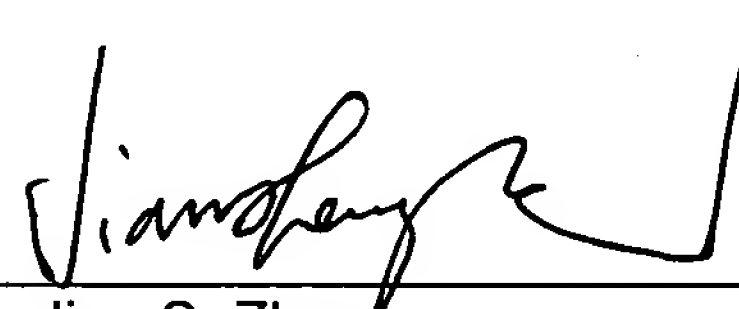
The entire delay in paying the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance was unintentional. The failure to pay the issue fee was discovered on April 25, 2002, when Applicants received the Notice of Abandonment dated April 5, 2002. After having received the Notice of Abandonment dated April 5, 2002, Applicants filed the Petition to Withdraw Holding of Abandonment pursuant to 37 C.F.R. §1.181(a), copy of which is attached herewith along with the Return-Receipt Post Card with US PTO stamp of date of May 28, 2002 as well as the petition's supporting documents (a copy (2 pages) of the docket record showing all received Office Actions and replies filed by Applicants' representative; email communication concerning non-receipt of the Notice of Allowance; and a statement of non-receipt of the Notice of Allowance from Jian Zhou, Applicants' representative). However, up to today, Applicants have not received yet the Decision on the Petition dated May 10, 2002. In order to expedite the petition process and issuance of the subject application, Applicants respectfully submit this petition to revive the subject application in accordance with 37 C.F.R. §1.137(b). Applicants submit that the failure to pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance was unintentional, because Applicants have not received the Notice of Allowance and because Applicants timely filed a petition to withdraw holding of abandonment pursuant to 37 C.F.R. §1.181(a) on May 10, 2002.

Applicants respectfully request that this Petition to revive be granted.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. The Commissioner is hereby authorized to charge any other

fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,



Jian S. Zhou  
Reg. No. 41,422  
(678) 415-4691

Date: Sept. 11, 2007

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080





PATENT  
Docket No.: CLV-30880/A/CGV2112  
Cust. No. 001095

CERTIFICATE OF MAILING		
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Jennifer China Type or print name	<i>Jennifer China</i> Signature	May 10, 2002 Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF  
**Hirt, et al**  
APPLICATION NO: 09/525,158  
FILED: March 14, 2000  
FOR: Organic Compounds

Examiner:  
**Kuo-Liang Peng**  
Art Unit: 1712

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Assistant Commissioner for Patents  
Box DAC, Attn.: Art Unit 1712  
Washington, D.C. 20231

**COPY SENT TO BASLE**

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
PURSUANT TO 37 CFR §1.181(A)**

Sir:

The Notice of Abandonment dated April 5, 2002 from Examiner Kuo Liang Peng of Art Unit 1712 has been received. Applicants hereby petition that the holding of abandonment be withdrawn because applicants never received the Notice of Allowance.

The present application was held to be abandoned by the Examiner for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance. However, Applicants' representative did not receive the Notice of Allowance. A search of the file jacket and docket records indicates that the Notice of Allowance was not received. A copy (2 pages) of the docket record

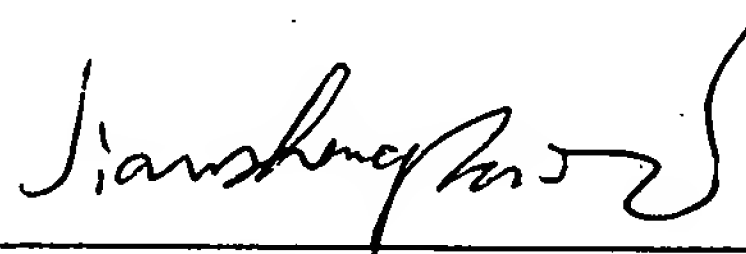
showing all received Office Actions and replies filed by Applicants' representative is enclosed herewith as documentary proof of nonreceipt of the Notice of Allowance. A statement of nonreceipt of the Notice of Allowance from Jian Zhou, Applicants' representative, is enclosed herewith pursuant to MPEP §711.03(c)II.

Therefore, Applicants submit that the holding of abandonment for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance is improper and respectfully request that it be withdrawn and A Notice of Allowance be remailed.

### CONCLUSION

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Thomas Hoxie, Novartis Corporation, Patent and Trademark Department, 564 Morris Avenue, Summit, NJ 07901. The commissioner is hereby authorized to charge any other fees with may be required under 37 C.F.R. §1.16 and 1.17, or credit any overpayment, to Deposit Account No. 09-0134.

Respectfully submitted,



Jian S. Zhou  
Reg. No. 41,422  
(678) 415-4691

Date: May 10, 2002

Novartis Corporation  
Patent and Trademark Department  
564 Morris Avenue  
Summit, NJ 07901



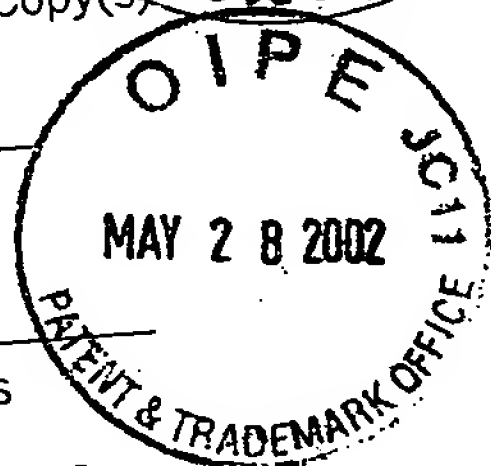
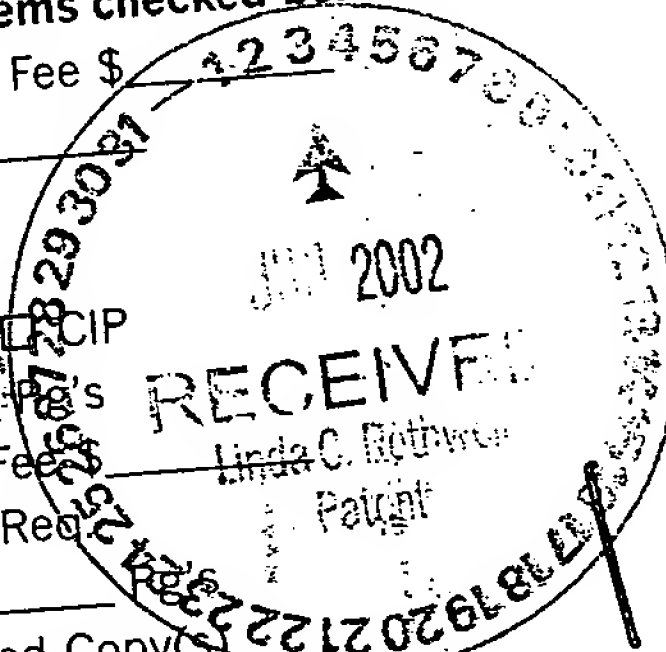
Case No. CLIV-30880, 116V2112  
Application No. 091525, 158  
Mailing Date: May 10, 2002  
Due Date: June 5, 2002

Express Mail No.: \_\_\_\_\_

The Patent & Trademark Office acknowledges, and has stamped hereon the date of receipt of the items checked below:

- ☐ Amendment/Response/Letter - Fee \$ \_\_\_\_\_
- ☐ Appln. Filing Papers - Fee \$ \_\_\_\_\_
- ☐ PCT National Stage
- ☐ Provisional Application
- ☐ CPA ☐ DIV ☐ CONT ☐ CIP
- ☐ Specification \_\_\_\_\_ Pg's
- ☐ Executed/Unexecuted Decl. - Fee \$ \_\_\_\_\_
- ☐ Missing Parts/Missing Req. \_\_\_\_\_
- ☐ Preliminary Amendment \_\_\_\_\_
- ☐ Claim of Priority ☐ Certified Copy(s) \_\_\_\_\_
- ☐ Amendment After Final
- ☐ Notice of Appeal - Fee \$ \_\_\_\_\_
- ☐ Appeal Brief - Fee \$ \_\_\_\_\_
- ☐ Issue Fee Payment \$ \_\_\_\_\_
- ☐ Assignment Rec. Req. - Fee \$ \_\_\_\_\_
- ☐ Formal Drawings \_\_\_\_\_ Pg's
- ☐ IDS \_\_\_\_\_ Pg's - Fee \$ \_\_\_\_\_
- ☐ PTO-1449 Form \_\_\_\_\_ Pg's
- ☐ Pet. for Ext. of Time - Fee \$ \_\_\_\_\_
- ☐ Pet. to Convert to Prov. Appln. - Fee \$ \_\_\_\_\_
- ☐ Seq. Listings \_\_\_\_\_ Pg's/Seq. Disk

☒ Petition to Withdraw HOLDING  
OF ABANDONMENT  
JSZ Initials



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PATENT DOCKET MANAGEMENT SYSTEM

05/07/2002

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CASE DOCKET &amp; HISTORY

10:00:25

PFX DY CASE No. (s) LINEAGE CGC No. ATTORNEY  
 CL V 30880/A CGV 2112 ZHOUJI1  
 SERIAL No: 09/525,158 STATUS: PENDING JJZ FAMILY  
 DATE FILED: 03/14/2000 EFF DATE: 03/14/2000 UK CASE: 15764

Debit To

☒ BA  
☐ US  
☐ NA

DATE ABAN: A?Y

ATTORNEY	DATE	PTO ACTION/ATTORNEY RESPONSE	DESCRIPTION
ZHOUJI1	PTO: 04/05/2002	ABNO	NOTICE OF ABANDONMENT
JZ	CASE DUE: 06/05/2002	RESP	RESPONSE
TYPE: RESP			

EXPENSE

DATE DEBITED

ATTORNEY	DATE	PTO ACTION/ATTORNEY RESPONSE	DESCRIPTION
ZHOUJI1	PTO: 06/21/2001	NONA	NOTICE OF NON-COMPLIANT AME
JZ	CASE DUE: 07/21/2001	RESP	RESPONSE
TYPE: RESP	07/03/2001	RESP	RESPONSE

EXPENSE

DATE DEBITED

ATTORNEY	DATE	PTO ACTION/ATTORNEY RESPONSE	DESCRIPTION
GORMARO	PTO: 03/12/2001	O.A.	OFFICE ACTION
RJG	CASE DUE: 06/12/2001	RESP	RESPONSE
TYPE: RESP	06/08/2001	RESP	RESPONSE

EXPENSE

DATE DEBITED

ATTORNEY	DATE	PTO ACTION/ATTORNEY RESPONSE	DESCRIPTION
GORMARO	PTO: 06/21/2000	FREC	FILING RECEIPT
RJG	CASE DUE:		
TYPE: RESP			

EXPENSE

DATE DEBITED

Record 1/9 List of Values

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PATENT DOCKET MANAGEMENT SYSTEM

05/07/2002

DOKD0030 CASE DOCKET &amp; HISTORY

10:00:25

PEX DV CASE No. (s) LINEAGE CGC No. ATTORNEY  
CL V 30880/A CGV 2112 ZHOUJI1  
SERIAL No: 09/525,158 STATUS: PENDING JZ FAMILY  
DATE FILED: 03/14/2000 EFF DATE: 03/14/2000 UK CASE: 15764

Debit To

☐ BA  
☐ US  
☐ NA

DATE ABAN: A?Y

ATTORNEY	DATE	PTO ACTION/ATTORNEY RESPONSE	CODE	DESCRIPTION
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RJG	CASE DUE: 07/16/2000	<input type="checkbox"/> SUSP	<input type="checkbox"/>	SUBMIT SIGNED DECLARATION
TYPE: RESP: 06/07/2000	<input type="checkbox"/> SUDE	<input type="checkbox"/>	<input type="checkbox"/>	SUBMITTED DECLARATION
GORMARO	PTO: 03/24/2000	<input checked="" type="checkbox"/> RECC	<input type="checkbox"/>	RECEIPT CARD
RJG	CASE DUE: 06/14/2000	<input checked="" type="checkbox"/> PAS3	<input type="checkbox"/>	PRIOR ART (3 MOS)
TYPE: RESP: 08/30/2000	<input checked="" type="checkbox"/> IDST	<input type="checkbox"/>	<input type="checkbox"/>	INFORMATION DISC/STATEMENT
GORMARO	PTO: 02/25/2000	<input type="checkbox"/> NBAA	<input type="checkbox"/>	NEW BASLE APPLICATION
RJG	CASE DUE: 03/30/2000	<input checked="" type="checkbox"/> FNBA	<input type="checkbox"/>	FILE NEW BASLE APPLICATION
TYPE: RESP: 03/14/2000	<input type="checkbox"/> FNBA	<input type="checkbox"/>	<input type="checkbox"/>	FILE NEW BASLE APPLICATION
GORMARO	PTO: 02/25/2000	<input checked="" type="checkbox"/> UNDA	<input type="checkbox"/>	UNSIGNED DECLARATION/ASSIGN
RJG	CASE DUE:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
TYPE: RESP: 03/14/2000	<input checked="" type="checkbox"/> UNDE	<input type="checkbox"/>	<input type="checkbox"/>	UNSIGNED DECLARATION

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EXPENSE DATE  
04/20/2000

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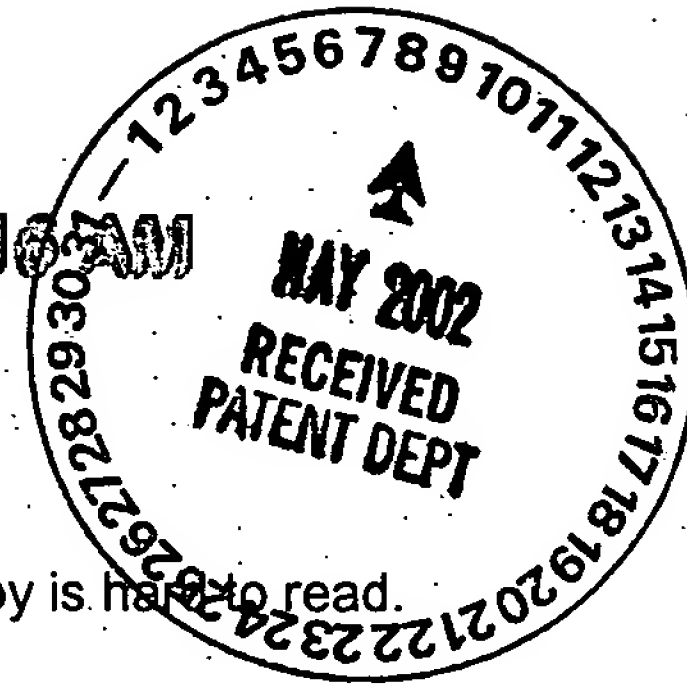
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Linda Rothwell

05/07/2002 10:16 AM

To: jian.zhou@cibavision.novartis.com @ N1  
cc: jennifer.china@cibavision.novartis.com@N1  
Subject: Re: Help



I will fax it to you now and send the hard copy overnight in case the fax copy is hard to read.

Linda

jian.zhou@cibavision.novartis.com on 05/07/2002 09:23:41 AM



jian.zhou@cibavision.novartis.com on 05/07/2002 09:23:41 AM

To: Linda Rothwell/PH/Novartis@PH  
cc: jennifer.china@cibavision.novartis.com  
Subject: Help

Linda,

We need your help regarding Case CL/V-30880/A/CGV2112.

Thank you for forwarding the Notice of Abandonment for the above-referenced case with your short note. Since we never received the Notice of Allowance for this case, we can file a no-fee petition to request withdraw holding of abandonment pursuant to MPEP 711.03(c)(II). However, we need a showing to establish non-receipt of an Office Action, namely, a copy of the docket record where the non-received Office Communication would have been entered had it been received and docketed. Could you please provide a print-out of the docket record solely for this case CL/V-30880/A/CGV/2112? Thank you for your help.

Best regards,

Jian

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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231

Jennifer China  
Type or print name

Signature

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Hirt, et al

APPLICATION NO: 09/525,158

FILED: March 14, 2000

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Examiner:

Kuo-Liang Peng

Art Unit: 1712

Assistant Commissioner for Patents

Box DAC, Attn.: Art Unit 1712

Washington, D.C. 20231

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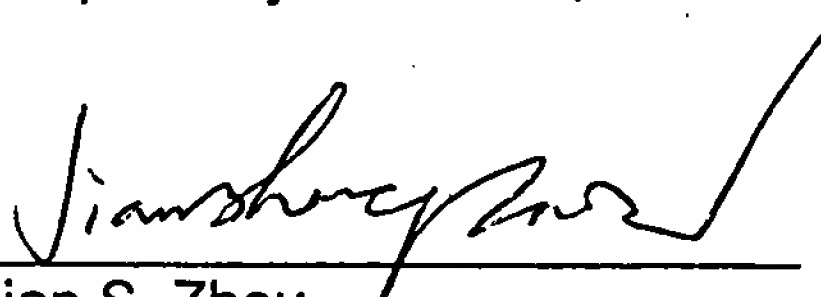
SEP 18 2007

OFFICE OF PETITIONS

STATEMENT OF JIAN S. ZHOU

I, Jian S. Zhou, state that I did not receive the Notice of Allowance and attest that a search of the file jacket and docket records indicates that the Notice of Allowance was not received.

Respectfully submitted,



Jian S. Zhou  
Reg. No. 41,422  
(678) 415-4691

Date: May 10, 2002

Novartis Corporation  
Patent and Trademark Department  
564 Morris Avenue  
Summit, NJ 07901